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REMARKS

Claim 1 calls for *inter alia* associating an indication that an advertisement was played with an identifier for a particular user. There is no reference to any identifier for a particular user.

As best as it can be understood, the proposition is that the feature is implicit. There is no basis for an argument that something is implicit. The quality of being implicit is not recognized in the rules or the statute.

Apparently, the argument of implicitness is an attempt to avoid meeting the strict requirement for inherency. In order to be inherent, the feature must necessarily be present in the reference. Surely it cannot reasonably be contended that this is so. Much more likely, the reference simply ignores whoever it is that might be considered to be the user and simply provides the coupon regardless of whom or what was in front of the TV at the time the advertisement was played. The absence of any mention of any identifier suggests the more reasonable proposition that the cited reference never contemplated the association between an indication that the advertisement was played with an identifier for a particular user as claimed.

In the absence of any teaching whatsoever of the claimed limitation within the reference, the inapplicability of any argument of implicitness, and the impossibility of meeting an inherency requirement, reconsideration would be appropriate.

The rejections of claims 5, 15, and 25 under Section 112, paragraph 2, is maintained as well. The basis for the rejection is still not understood. It appears to arise from some principle of prematureness, again, nowhere specified in the patent law. To the extent that the rejection insists that the claims tell how to do something, there is no basis for such a rejection. The contention that there should be enough claim elements recited to enable one skilled in the art to understand the relationship between the watermark and the speed of playing is baseless. Claim 5 is a method claim. It describes what to do, not the structural relationships. Reconsideration would be appropriate. Similarly, claim 15 is a Beauregard claim and, again, assertion of relationships is not required.

Finally, claim 25 is a structural claim that defines what the watermark detector is. It is a device that determines whether an advertisement was played at a predetermined speed. There is nothing indefinite about it and one skilled in the art could readily understand what the concept is

that is being claimed. Resort for details of the preferred embodiment should be made to the specification, not the claims.

Finally, the rejection of claim 21, also based on Rodriguez under Section 102, is, again, maintained.

Claim 21 calls for a watermark detector coupled to a media player to detect a watermark included in the advertisement and to control operation of the media player in response to detection of a watermark.

Despite any supporting material within the specification of the cited reference, the Examiner surmises that for some reason the watermark detector in the cited reference, which simply determines whether the advertisement was played in its entirety, requires that, upon detection of the watermark, the advertisement be played in its entirety. But this makes no sense because if it were so, there would be no reason to determine whether play was done in its entirety in order to give the coupon. Necessarily, it must be played in its entirety, under the Examiner's reasoning, since the machine would prevent the player from being turned off or from otherwise being interrupted.

Instead, a reasonable reading of the reference is that it allows the user not to play the entire presentation, but rewards the user for doing so. Plainly, the reference teaches the carrot approach, not the stick approach. Assertions to the contrary are unsupported by anything within the reference and reconsideration would be appropriate.

Respectfully submitted,

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